

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROJECT VERITAS and PROJECT
VERITAS ACTION FUND,

Plaintiffs/Counter-Defendants,

v.

JAMES O'KEEFE and TRANSPARENCY
1, LLC d/b/a O'KEEFE MEDIA GROUP,

Defendants/Counterclaimants.

Civil Action No. 7:23-cv-04533

DECLARATION OF NICHOLAS P. WHITNEY

I, NICHOLAS P. WHITNEY, hereby depose and declare:

1. I am over 18 years of age and otherwise competent to make this declaration.
2. I have personal knowledge of all matters testified to herein.
3. I am a licensed attorney practicing in the State of Florida and was admitted to practice pro hac vice in this case on July 24, 2024 [Doc. 57].
4. After coordinating deposition dates with Project Veritas's counsel, Hannah Giles ("Ms. Giles") was personally served with a subpoena for deposition on June 23, 2025. See Confirmation of Service Email attached as **Exhibit 1**.
5. Ms. Giles contacted our office the next morning, June 24, 2025, and left a message stating that she was not available on July 31, 2025, the date originally agreed upon by the parties. In the same message, Ms. Giles left her call back number.

6. I personally called Ms. Giles back that morning and had a brief conversation that lasted approximately five (5) minutes. During the call, Ms. Giles agreed to reschedule her deposition to July 18, 2025, one of the dates that Project Veritas's counsel had indicated he was available. *See* June 11, 2025, Email from Michael Harris attached as **Exhibit 2**.

7. Later that afternoon, on June 24, 2025, our office emailed Project Veritas's counsel to confer regarding the July 18, 2025, date offered by Ms. Giles. We did not receive a response.

8. I followed up on July 2, 2025, again asking Project Veritas's counsel if Ms. Giles' deposition could be rescheduled to July 18, 2025.

9. In reply, Project Veritas's counsel informed me that July 18th was no longer available, but that either August 6th or August 8, 2025, would be acceptable. *See* July 2, 2025, Email Thread attached as **Exhibit 3**.

10. I again personally called Ms. Giles on the afternoon of July 2, 2025, and had a second brief conversation that lasted approximately five (5) minutes. During the call, Ms. Giles agreed to reschedule her deposition to August 8, 2025, to accommodate Project Veritas's counsel.

11. I immediately informed Project Veritas's counsel of Ms. Giles' availability on August 8, 2025, and asked Project Veritas's counsel to consent to our application to the Court to modify the deposition schedule accordingly as required by this Court's Order adopting the proposed deposition schedule. [ECF No. 177].

12. In reply, Project Veritas's counsel demanded all written correspondence between our office and Ms. Giles. No such written correspondence exists, and I informed Project Veritas's counsel of this fact and that I had only two brief phone conversations with Ms. Giles. I again asked for Project Veritas's consent to adjust the deposition schedule to the new date - August 8, 2025 - that Project Veritas's counsel had offered thirty minutes prior.

13. Project Veritas's counsel then refused to consent to rescheduling Ms. Giles' deposition to August 8, 2025 - a date he offered. See Exhibit 3.

Dated: July 8, 2024.

A handwritten signature in black ink, appearing to read "Nicholas P. Whitney", written over a horizontal line.

Nicholas P. Whitney

Exhibit 1

GIA Status on (GILES, HANNAH)

From: Gleason Investigations <JobStatusGIA@dbinfo.net>

Sent: Tue, Jun 24, 2025 at 3:57 pm

To: angela.masciulli@smartbizlaw.com, ellen.lord@smartbizlaw.com

Cc: Gleason Investigations

To: Childers Law, LLC

This is an automated message relating to:

Our Job Number: 2025005413

Your Reference Number:

Party To Be Served: GILES, HANNAH

Documents To Be Served: SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION & ATTACHMENT A TO SUBPOENA TO HANNAH GILES WITH ATTACHED WITNESS FEE CHECK IN THE AMOUNT OF \$50.00

Case Info: New York CIVIL ACTION NO. 7:23-CV-04533

Case Style: Project Veritas & Project Veritas Action Fund vs. James O'Keefe, et al.

Original Service Address: HANNAH GILES, [REDACTED], COUPLAND, TX 78615-4815

Latest Status: 6/23/2025 7:21 pm Attempted service at [REDACTED] NORTH MIAMI BEACH, FL 33162
1618. Served Hanna Giles personally.

Thank you,

Gleason Investigations

JobStatusGIA@dbinfo.net

Phone: (386) 387 0595

More detailed status is available at www.PstProStatus.net

Exhibit 2

Re: Project Veritas, et al. v. O'Keefe, et al - Deposition Scheduling

From: Michael Harris <michael.j.harris56@gmail.com>

Sent: Wed, Jun 11, 2025 at 10:47 am

To: angela.masciulli@smartbizlaw.com

Cc: Nick Whitney, Jeff Childers, Ellen Lord

Angela,

I am available the week of July 14 18, July 28 August 1, and August 4 8.

As a reminder, please serve notice of the subpoenas before they are issued. PV reserves the right to object to any subpoena issued, and may seek to quash or obtain a protective order.

Regards,

Michael

Michael J. Harris
Law Office of Michael J. Harris, Esq.
43 W. 43rd Street, Suite 148
New York, New York 10036 7424
(203) 231-7490

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On Tue, Jun 10, 2025 at 4:36 PM angela.masciulli@smartbizlaw.com <angela.masciulli@smartbizlaw.com> wrote:

Mr. Harris,

I am writing to coordinate dates for the following depositions yet to take place in this case so that we can meet the Court's deadline of noticing/attempting service by June 17. Can you please provide availability for the following deponents in July and August?

Barry Hinckley (mid-July reschedule requested)
Matt Tyrmand (need backup date if deposition is rescheduled at the request of Tyrmand's counsel)
Tom O'Hara (still attempting to serve Subpoena; back up date if rescheduling is necessary)
Kyle Seraphin
Hannah Giles
Paul Calli
Ken Larrey

Regards,

Angela

Contact Information

T 866 996 6104
352 335 0400
F 407 209 3870

www.smartbizlaw.com

Angela Masciulli, Paralegal
angela.masciulli@smartbizlaw.com

Childers*Law, LLC
2135 NW 40th Terrace, Suite B
Gainesville, FL 32605

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Exhibit 3

Re: Project Veritas et al. v. O'Keefe et al., No. 23-CV-04533-CS-AEK(S.D.N.Y.) |
Depositions of Hughes and Giles

From: Michael Harris <michael.j.harris56@gmail.com>

Sent: Wed, Jul 2, 2025 at 1:43 pm

To: Nick Whitney

Cc: angela.masciulli@smartbizlaw.com, Jeff Childers

No.

Michael J. Harris
Law Office of Michael J. Harris, Esq.
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On Wed, Jul 2, 2025 at 1:40 PM Nick Whitney <nwhitney@smartbizlaw.com> wrote:

Spicy!

I have spoken with her two times about dates. Today we spoke for about 5 minutes after your email offering alternative dates. There is no written correspondence.

Do you consent?

Nick Whitney

nwhitney@smartbizlaw.com

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On Jul 2, 2025 at 1:24 PM -0400, Michael Harris <michael.j.harris56@gmail.com>, wrote:

Please provide the complete history of your correspondence with Hannah regarding the date of her deposition, including her confirmation of availability on August 8. Once I have reviewed it, I will let you know whether we consent.

If you refuse, we do not consent.

Michael

Michael J. Harris
Law Office of Michael J. Harris, Esq.
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On Wed, Jul 2, 2025 at 1:19 PM Nick Whitney <nwhitney@smartbizlaw.com> wrote:
Hannah Giles just confirmed August 8th will work.

Please confirm you will consent to our application to adjust the deposition schedule accordingly.

Nick Whitney

nwhitney@smartbizlaw.com

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2135 NW 40th Terrace, Suite B

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On Jul 2, 2025 at 1:06 PM -0400, Michael Harris <michael.j.harris56@gmail.com>, wrote:

Nick,

The date was not held by agreement. I told you my availability, and we reached agreement on July 31. Planning around that date (as well as the countless other dates you have asked me to hold - a trend of yours), I have since made personal plans for the 18th. That Hannah may not be available on the 31st does not change what we agreed on.

The above being said, I can make myself available on August 6 or 8.

Regards,

Michael

Michael J. Harris

Law Office of Michael J. Harris, Esq.

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On Wed, Jul 2, 2025 at 12:58 PM Nick Whitney <nwhitney@smartbizlaw.com> wrote:

We would prefer the 18th since it was a date that was held by agreement and Hannah already confirmed availability.

As I recall, she is out of the country for some time in late July and August. But that said, here are other dates that we calendared as reserved for potential depositions.

7/16 (half day in afternoon); 7/28, 8/4, 8/6 and 8/8.

Please confirm your availability on these alternative dates before I attempt to coordinate with Hannah again.

Nick Whitney

nwhitney@smartbizlaw.com

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On Jul 2, 2025 at 12:46 PM -0400, Michael Harris <michael.j.harris56@gmail.com>, wrote:

Nick,

I was originally available on the 18th, but since we set the schedule, I have made personal plans for the 18th. Is Hannah available on a different day?

Thanks,

Michael

Michael J. Harris

Law Office of Michael J. Harris, Esq.

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On Wed, Jul 2, 2025 at 12:08 PM Nick Whitney <nwhitney@smartbizlaw.com> wrote:

Michael,

Please advise if you consent to rescheduling Hannah Giles's deposition to July 18th. We need to write the Court and indicate your consent or opposition.

Nick Whitney

nwhitney@smartbizlaw.com

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On Jun 24, 2025 at 1:59 PM -0400, angela.masciulli@smartbizlaw.com <angela.masciulli@smartbizlaw.com>, wrote:

Mr. Harris,

Responding on behalf of Mr. Whitney, the deposition location address below is correct.

Remote attendees may use the following link:

<https://zoom.us/j/97165335075?pwd=J8jlSYxFnIqW4E9WSj9J2zanztaS2z.1>

Meeting ID: 97165335075

Password: 48925059

Regarding the deposition of Ms. Giles scheduled for 7/31/25, she has informed us that she is unavailable on 7/31/25, but is available 7/18/25. Please advise if you consent to rescheduling her deposition on 7/18/25.

Regards,

Angela

Contact Information

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-----Original Message-----

From: "Michael Harris" michael.j.harris56@gmail.com

Sent: Tuesday, June 24, 2025 12:26pm

To: "Nick Whitney" <nwhitney@smartbizlaw.com>

Cc: "Jeff Childers" <jchilders@smartbizlaw.com>, "Angela Masciulli" <angela.masciulli@smartbizlaw.com>

Subject: Project Veritas et al. v. O'Keefe et al., No. 23-CV-04533-CS-AEK (S.D.N.Y.)

Nick,

Please confirm that the location of Mr. Hughes's deposition, scheduled for tomorrow at 9:00 am, is 777 Westchester Avenue, Suite 101, White Plains, NY 10604.

Please also provide a link so that Project Veritas representatives may attend remotely.

Regards,

Michael

Michael J. Harris
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